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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL LAWRENCE BEAUCHAMP,

No. C-06-4258 MMC

Plaintiff,

**ORDER DISMISSED COMPLAINT:  
DENYING APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

v.

WILLIAM ALSUP,

Defendant

/

Before the Court is plaintiff's "Request for Orders to Stop Harassment," filed July 11, 2006, which the Court construes as a complaint, and plaintiff's application to proceed in forma pauperis, also filed July 11, 2006.

Pursuant to 28 U.S.C. § 1915(e), where a plaintiff seeks to proceed in forma pauperis, the district court must dismiss the complaint if the court determines that the complaint is frivolous or malicious, or that the plaintiff has failed to state a claim upon which relief can be granted. See 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

Here, plaintiff's complaint falls directly within the category of pleadings identified in § 1915(e)(2)(B)(i) and (ii). A brief history of plaintiff's most recent filings in this District illustrates the point.

On May 24, 2006, plaintiff filed a complaint against Amy Hughes Medina, alleging she had been harassing plaintiff with a deadly weapon. See Beauchamp v. Hughes

1 Medina, C 06-3397 SI. On May 30, 2006, plaintiff filed another complaint, alleging therein  
 2 that Lillian K. Sing ("Judge Sing")<sup>1</sup> filed a false report against plaintiff, and that Judge Sing,  
 3 Angeline Santos, and a neighbor of Angeline Santos had threatened plaintiff with a deadly  
 4 weapon. See Beauchamp v. Sing, C 06-3465 SI. On June 12, 2006, the Honorable Susan  
 5 Y. Illston dismissed each of the above-referenced cases, in each instance for the reason  
 6 that plaintiff failed to state a claim over which a federal court has jurisdiction. The orders of  
 7 dismissal were mailed to plaintiff on June 12, 2006.

8       On June 15, 2006, plaintiff filed yet another complaint. On that occasion, plaintiff  
 9 alleged that on June 14, 2006, presumably the date he received the above-referenced  
 10 orders of dismissal, Judge Illston had assaulted him with a deadly weapon and terrorized  
 11 him. See Beauchamp v. Illston, C 06-3768 WHA. On July 7, 2006, the Honorable William  
 12 H. Alsup dismissed said complaint on the ground it was "incomprehensible and patently  
 13 absurd," (see Dismissal Order, filed July 6, 2006); the order of dismissal was mailed to  
 14 plaintiff.

15       In the instant matter, which appears to have been filed shortly after plaintiff received  
 16 the order dismissing his complaint against Judge Illston, plaintiff alleges Judge Alsup,  
 17 based on his rulings, has harassed and threatened plaintiff's business, and libeled and  
 18 assaulted plaintiff's person and property. Plaintiff further alleges Judge Alsup conspired  
 19 with Amy Hughes Medina, Judge Sing, Angeline Santos, the neighbor of Angeline Santos,  
 20 Judge Illston, and others, to, among other things, deprive plaintiff of his right to a trial on his  
 21 claim against Amy Hughes Medina.

22       The only material change between plaintiff's most recent filing and his prior  
 23 complaints against Judge Sing and Judge Illston is that plaintiff has changed the name of  
 24 the defendant to identify the judge who most recently issued a ruling adverse to plaintiff.  
 25 Plaintiff again has failed to state a claim that avoids the strictures of § 1915(e)(2)(B). See  
 26 Franceschi v. Schwartz, 57 F. 3d 828, 830 (9<sup>th</sup> Cir. 1995) (holding judges entitled to

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28       <sup>1</sup>The Court take judicial notice that Lillian K. Sing is a superior court judge.

1 absolute immunity where plaintiff seeks to hold judge liable for performance of judicial  
2 acts).

3 Accordingly, plaintiff's complaint is hereby DISMISSED, pursuant to 28 U.S.C.  
4 § 1915(e)(2)(B), and plaintiff's application to proceed in forma pauperis is hereby DENIED.

5 The Clerk shall close the file.

6 **IT IS SO ORDERED.**

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8 Dated: July 18, 2006

  
MAKINE M. CHESNEY  
United States District Judge

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